

LINCOLN STREET REAL ESTATE TRUST

LEASE NO. 084B-012-92

VABCA-4841

VA MEDICAL CENTER
BROCKTON, MASSACHUSETTS

Douglas L. Fox, Esq., Shumway, Giguere, Byrne, Fox & Aloise, P.C., Worcester, Massachusetts, for the Appellant.

Jeanne A. Anderson, Esq., Trial Attorney; ***Philip Kauffman, Esq.***, Deputy Assistant General Counsel; and ***Phillipa L. Anderson, Esq.***, Assistant General Counsel, Washington, D.C., for the Department of Veterans Affairs.

ORDER DISMISSING APPEAL

1. By Order dated October 18, 1996, the Appellant was ordered to Show Cause why this appeal should not be dismissed for lack of jurisdiction, because the Appellant's appeal, as defined by its Complaint, was not presented to the Contracting Officer.

2. On November 5, 1996, the Appellant submitted a motion to withdraw its appeal, stating that "a revised claim has been submitted to the VA." The Appellant's motion is **GRANTED**. Accordingly, the appeal of Lincoln Street Real Estate Trust, VABCA4841, is hereby dismissed for lack of jurisdiction pursuant to Board Rule 5.

IT IS SO ORDERED

DATE: **November 6, 1996**

RICHARD W. KREMPASKY
Administrative Judge